

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ALBERTO ANTIMO MIRELES,

Defendant.

DECISION AND ORDER

08-CR-349S-4

1. On September 3, 2009, the Defendant entered into a written plea agreement (Docket No. 92) and on September 15, 2009 pled guilty to Count 2 of the Indictment (Docket No. 1) charging a violation of Title 8, U.S.C. Section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i) (harboring an illegal alien for the purpose of commercial advantage and private financial gain).

2. On September 15, 2009, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No.93) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge Scott's Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and will accept Judge Scott's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 93) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Alberto Antimo Mireles is accepted, and he is now adjudged guilty of Title 8, U.S.C. Section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(i).

SO ORDERED.

Dated: October 28, 2009
Buffalo, New York

/s/ William M. Skretny
WILLIAM M. SKRETNY
United States District Judge